

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RANDALL EUGENE PARRAN,)	
)	Civil Action No. 09 - 1483
Petitioner,)	
)	District Judge Nora Barry Fischer
v.)	
)	
GERALD L. ROZUM and)	
COMMONWEALTH OF PENNSYLVANIA,)	
Office of the District Attorney,)	
)	
Respondents.)	

ORDER

On November 6, 2009, the above captioned case was initiated by the filing of a Motion to Proceed In Forma Pauperis accompanied by a Petition for Writ of Habeas Corpus and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on July 1, 2010 (ECF No. 29) recommended that the Petition for Writ of Habeas Corpus be dismissed as untimely. On August 2, 2010, Petitioner filed Objections to the Report and Recommendation (ECF No. 32). Petitioner's objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 8th day of September, 2010;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED** as **UNTIMELY**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 29) dated July 1, 2010, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: Randall Eugene Parran
GJ - 8025
1600 Walters Mill Road
Somerset, PA 15510